UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/007,129	EISENBERG, ALFRED
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>2/6/06</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-54</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

Claims 1-54 are pending in this application. This is a response to the RCE filed

on 2/6/06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6,9-14,17-24,27-33,36-41,44-51,54 are rejected under 35 U.S.C. 103(a)

as being unpatentable over US Patent 6,564,261 issued to Gudjonsson et

al.(Gudjonsson) in view of US Patent 5,793,365 issued to Tang et al.(Tang) in further

view of US Patent 6,020,915 issued to Bruno et al.(Bruno).

As per claim 1, 28, Gudjonsson teaches a system which two client nodes a

adapted to communicate with one another via a video conference utility(col.7, lines 42-

51); a second server for supporting a video conference between video conference

participants using the at least two client nodes(col.7, lines 42-51); such that a video the

at least two client nodes, and further adapted to communicate to the at least two client

nodes, via said instant message server, resource information enabling the at least two

client nodes to join the video conference(col.7, lines 42-51).

Gudjonsson however does not explicitly teach a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility; an instant messaging server for supporting instant messages between the at least two client nodes, requesting a video conference.

Tang teaches a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility(Abstract, col.3, lines 59-67); an instant messaging server for supporting instant messages between the at least two client nodes(col.3, lines 59-67), and requesting a video conference(col.8, lines 6-28).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson to explicitly use a chat server as taught by Tang in order to provide text communication between two users.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Gudjonsson and Tang to provide a system for a user to communicate with text, video, and audio(Tang, Fig.11)

Gudjonsson in view of Tang however does not explicitly teach a resource allocator to allocate resources for a video conference.

Bruno teaches a resource allocator to allocate resources for a video conference(col.4, line 62-col.5, line 10).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson in view of Tang to explicitly use

resource allocation for a video conference as taught by Bruno in order to provide

enough resources to establish a video conference(Bruno, col.2, lines 58-67).

One ordinary skill in the art at the time of the invention would have been

motivated to combine the teachings of Gudjonsson, Tang, and Bruno, in order to

provide a system to have enough resource to establish a video conference between two

users(Bruno, col.2, lines 58-67).

As per claim 2,10,20,29,37,47, wherein at least one of the video conference

participants participates in the video conference via the public switched telephone

network (PSTN)(Gudjonsson, col.7, line 42).

As per claim 3, 11, 21,30,38, 48, wherein at least one of the video conference

participants participates in the video conference via cellular

communication(Gudjonsson, col.3, line 53-54).

As per claim 4, 12,22, 31, 39, 49, wherein at least one of the video conference

participants participates in the video conference via a computer(Gudjonsson, col.3, line

57).

As per claim 5,13,23,32,40,50, wherein at least one of the video conference

participants participates in the video conference via a network gateway(Gudjonsson,

Fig.1-6).

As per claim 6,14,24,33,41,51, wherein at least one of the video conference

participants participates in the video conference via a video conferencing standard

protocol(Gudjonsson, col.7, line 60).

As per claim 9,19,36,46, wherein the instant messaging server contains information related to communication modes of the client nodes used to participate in the video conference(Gudjonsson, col.7, lines 35-67, Tang, col.9, lines 22-37). Motivation to combine set forth in claim 1.

As per claim 17,44, further comprising a database communicatively coupled to said instant messaging server for storing information related to the client nodes used to initiate the video conference(Gudjonsson, col.7, lines 35-67, Tang, Fig.10). Motivation to combine set forth in claim 1.

As per claim 18,45, wherein the instant messaging server receives the information from the data base(Gudjonsson, col.7, lines 35-67, Tang,Fig.10). Motivation to combine set forth in claim 1.

As per claim 27, 54, wherein the second server is a network video conferencing server which supports video conferences using a network video conferencing protocol(Gudjonsson, col.7, line 60).

Claims 7,8,15,16,25,26,34,35,42,43,52,53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,564,261 issued to Gudjonsson et al.(Gudjonsson) in view of US Patent 5,793,365 issued to Tang et al.(Tang) in further view of US Patent 6,020,915 issued to Bruno et al.(Bruno) in further view of US Patent 6,640,239 issued to Gidwani.

Gudjonsson in view of Tang in further view of Bruno teaches all the limitations of

claim 1, 28, however does not explicitly teach as per claim

7,8,15,16,25,26,34,35,42,43,52,53 wherein at least one of the video conference

participants participates in the video conference via an ISDN standard protocol and

ATM standard protocol.

Gidwani teaches using ISDN and ATM stand protocol(col.28, lines 14-64).

Therefore it would have been obvious to one ordinary skill in the art at the time of the

invention to modify the teachings of Gudjonsson in view of Tang in further view of Bruno

to use ISDN and ATM standard protocol as taught bye Gidwani in order to use different

protocol for communication.

One ordinary skill in the art would have been motivated to combine the teachings

of Gudjonsson, Tang, Bruno and Gidwani in order to provide a system where one is not

limited to the use of one specific type of protocol for communication.

Response to Arguments

Applicant's arguments with respect to claims 1-53 have been considered but are moot in

view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See PTO-892.

US Patent 6,693,661 issued to Vanderwilt et al., Abstract

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2151
4/7/106

ZARNI MAUNG
"SORY PATENT EXAMINER